IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE NW inters. Mace Avenue and Magnolia Avenue 354 Magnolia Avenue 15th Election District 5th Councilmanic District Raymond Edward Carnucci, et ux

\* ZONING COMMISSIONER \* OF BALTIMORE COUNTY

\* Case No. 94-71-A Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as an administrative variance filed by Raymond Edward Carnucci and Joyce Carnucci, his wife, for that property known as 354 Magnolia Terrace in the eastern section of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 ft. in lieu of the required 37.5 ft., for an open projection (deck), as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of September, 1993 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 ft., in lieu of the required 37.5 ft., for an open projection (deck), be and is hereby GRANT-ED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ZONING COMMISSIONER FOR BALTIMORE COUNTY

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

September 22, 1993

Mr. and Mrs. Raymond E. Carnucci 354 Magnolia Terrace Reisterstown, Maryland 21221

> RE: Petition for Administrative Zoning Variance Case No. 94-71-A Property: 354 Magnolia Terrace

Dear Mr. and Mrs. Carnucci:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

MIN Saluth Lawrence E. Schmidt Zoning Commissioner

LES:mmn

Petition for Administrative Variance Petition for Administrative Variance
94-71-4
to the Zoning Commissioner of Baltimore County for the property located at 354 MACNOLIA TERRACE

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802,3.C./, BC2R TO DERMIT A REAR YARD SETBACK OF 30 ft. IN LIEU OF THE REQUIRED 39.5 ft. (301,1.4, 8120). of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardeting or

practical difficulty) The reason for A legarst for A LARGER DUCKIS brond's I have 4 children and we need space for tacks & charge. AND I ALSO WOULD LIKE Extra ROCH FOR FAMILY CATHERINGS IN the SULYMER.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

When the wearing persons and all on condend a penalties of percept and one are the con-354 Magnolia Texence (410) 574 200 Property Reserved 1000 1000 ASSENT TO KAY (1110) 5 14 16 16 A Public Hearing having been requested and/or found to be required it is ordered, by the Johnny Coron store of Epiteroxe Counts in a \_\_\_\_\_dray of \_\_\_\_

that the subject matter of the petition be set for a public hearing , advertised, as recurred by the Secret Regulations of Bartimore Country of Regulations of Regulations of Bartimore Country of Regulations of Bartimore Country of Regulations of Regulatio decolation. throughout Buffirning County, and that the property be reported. Zonna Communication of Factories /50 less

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That based upon personal knowledge, the following are the facts upon which live base the request for an Administrative I noen A LARGE deck because IT is NOT processor FOR ME to have & SMALL Dock - I would Out the ABIE to put A grill AND A TABLE AND ChAIRS ON the DECK, AND THAT IS THE REASON

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

the Affiants(s) Herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal.

6/1/2/2

ZONING DESCRIPTION 354 MAGNOLIA TERRACE

94-71-A

BEGINNING AT A POINT ON THE NORTHWEST CORNER OF MALE AVENUE AND MAGNOLIA TERRACE.

THESE MEASUREMENTS ARE: N86° 46:00" W - 31.60' N 03° 14'. 00" E - 100.00" 3) S 68° 46'00" E- 66.31' D S 22° 22'30" W- 105.85'

TO THE POINT OF BEGINNING WITH AN AREA OF 0.11 23 ACRES KNOWN AS 354 MAGNOLIA TERRACE

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 94-71- A

| District 57  | Date of Posting 3/37/93    |
|--|----------------------------|
| Posted for: Ray word & Loyce   | Formucci                   |
| Petitioner: Ray word & Toyce C<br>Location of property: 354 Mognolia For | rose - lor Meart Mag molie |
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| Location of Signe Tacing Too dway or                                     | 1,500,500,700,000          |
| Remarks:   |                            |
| Posted by Maker  | Date of return: 1/3/93     |
| Signature Stumber of Signat  |                            |

| Ballitiore County  Zoning Administration &  Development Management  111 West Chesapsake Avenue 75 in son, Maryland 21204 | The Audion Report No.  |
|--|--|
| 11 8-18-93 94<br>WAR IANCE (010)-  |  |
| POSTING (080)  |  |
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Baltimore County Government Office of Zoning Administration and Development Management

September 14, 1993

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

Mr. and Mrs. Raymond E. Carnucci 354 Magnolia Terrace Baltimore, Maryland 21221

> RE: Case No. 94-71-A, Item No. 77 Petitioner: Raymond Edward Carnucci, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Carnucci:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 18, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process

1. The director of Zoning Administration and Development Managemen Thas instituted a system whereby seasoned zoning atturneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

That the Affiant(s) does/do presently reside at 354 MANIOLA TERRACE

BATTMORE MANIANO 21221

City State Zip Code

I AM building one in the FIRST place. I host ALOT OF FAMILY PRIVES AND GATHERINGS AND I NEED A DEEK FOR My guests.

Raymond Edward Carmeri & Diga CArmeri

My Commission Expires:

O. James Lighthizer Hal Kassoff Administrator

8 26 45

Re: Baltimore County
Item No.: + 77 (JCM)

Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Kehring:

Ms. Helene Kehring

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief

Engineering Access Permits

My telephone number is Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: August 30, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 62, 71, 72, 73, 74, 76, 77, 78, 81, 82, 84, 86, 87 and 88.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

ZAC.62/PZONE/ZAC1

and Development Management

111 West Chesapeake Avenue Towson, MD 21204

AUGUST 27, 1993

(410) 887-3353

NOTICE OF CASE NUMBER ASSIGNMENT

Baltimore County Government

Office of Zoning Administration

To: Raymond and Joce Carnucci 354 Magnolia Terrace Baltimore, Maryland 21221

> CASE NUMBER: 94-71-A (Item 77) 354 Magnolia Terrace NW intersection Mace Avenue and Magnolia Avenue 15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 5, 1993. The closing date (September 20, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Printed with Soybean link

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES Baltimore County Zoning Regulations require that notice be given to

newspaper of general circulation in the County. This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for

a sign on the property and placement of a notice in at least one

the general public/neighboring property owners relative to property

which is the subject of an upcoming zoning hearing. For those petitions

which require a public hearing, this notice is accomplished by posting

PAYMENT WILL BE MADE AS FOLLOWS:

the costs associated with these requirements.

1) Posting fees will be accessed and paid to this office at the time of Filing.

2) Billing for legal advertising, due upon receipt, will come

from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:

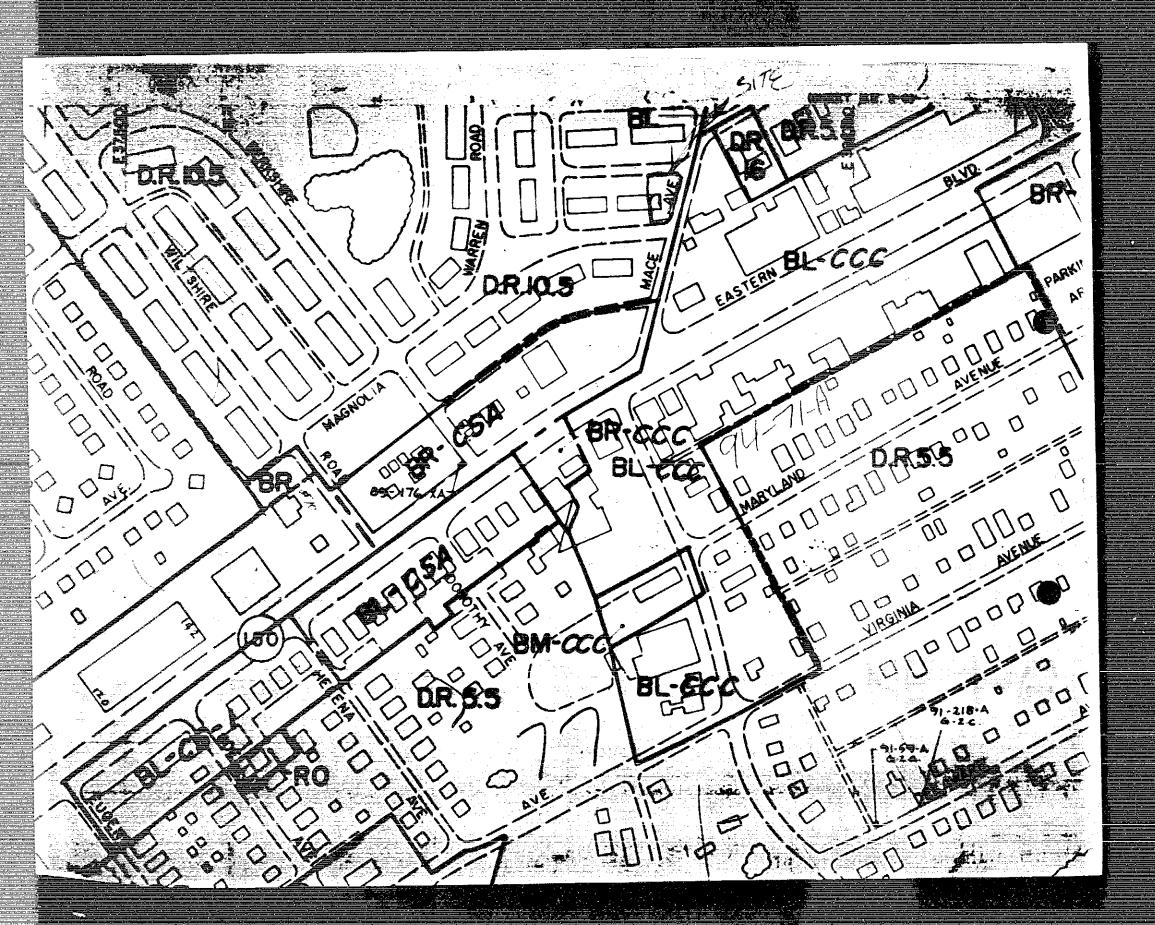
Petitioner: RAMMANN (ARNUCCI

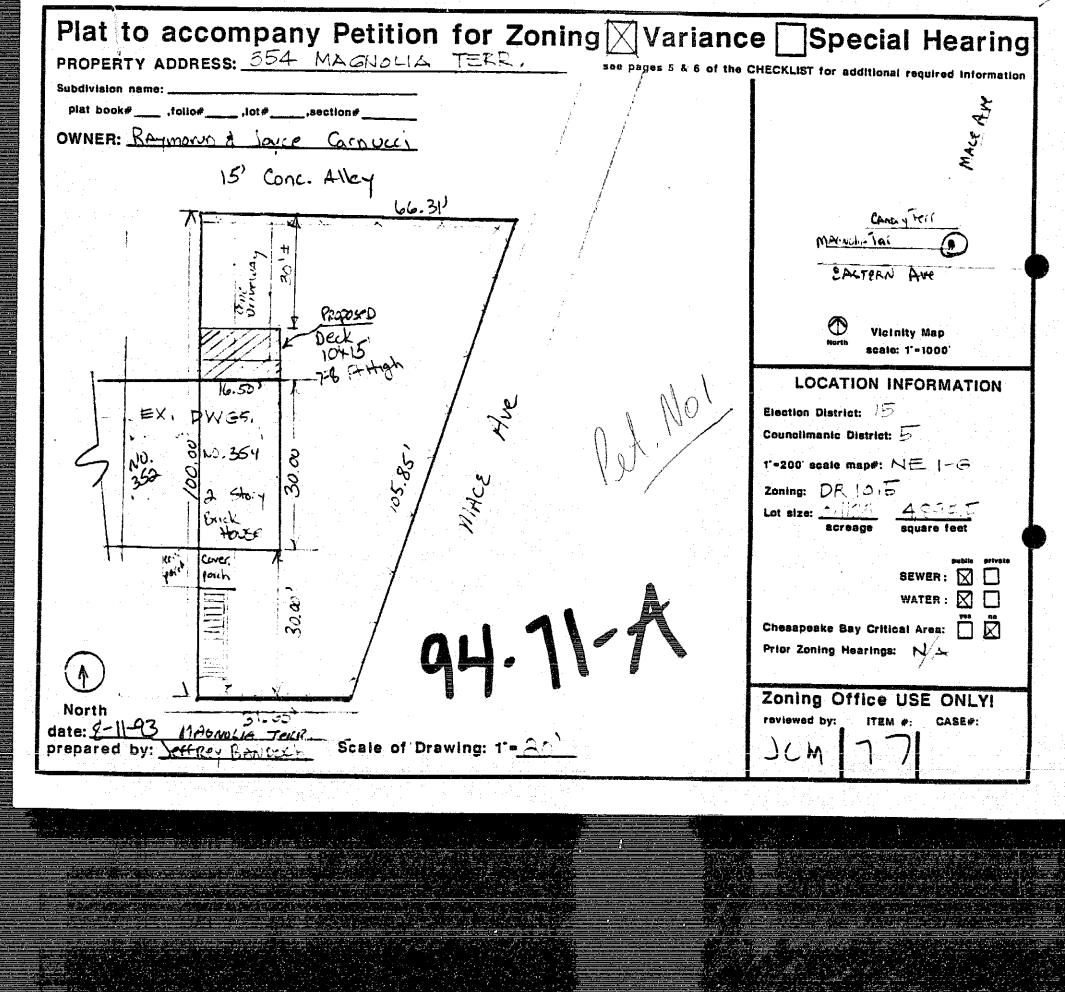
Location: 354 MAGNOLIA TER RALTO NUL 2/2/ PLEASE FORWARD ADVERTISING BILL TO:

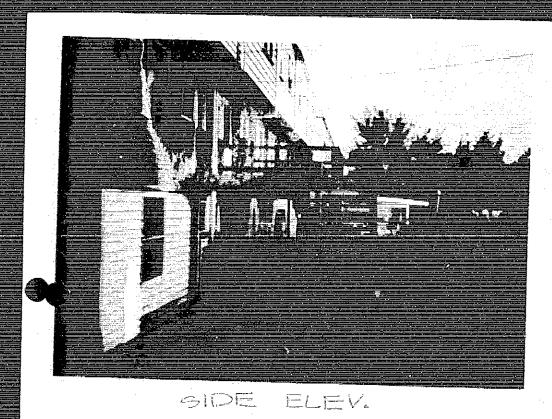
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Photodon the yeled Paper

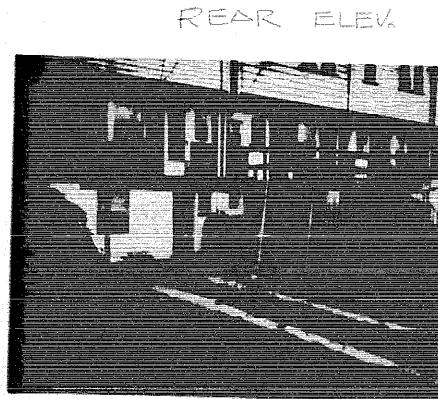
(Revised 04/09/93)











7-1BALTIVORE COUNTY
OFFICE OF PLANNIG AND ZONNIG PHOTOGRAPHIC MAP

EGSEX

PREPARED BY AIR PHOTOGRAPHICS, INC.

\*\*BARTEYSBURG, W.V. 25401